Amendment in the Family Courts Act

*312. SHRI K. RAMA MOHANA RAO:
SHRI RAMA MUNI REDDY SIRIGIREDDY:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the Committee on Empowerment of Women has asked Government to amend the Family Courts Act;

(b) if so, the recommendations of the Committee;

(c) the details of States which have establish family courts;

(d) the details of States which have not, so far, constituted family courts; and

(e) the reasons for not establishing the same?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) Yes, Sir. The Comimttee on Empowerment of Women in its Fifth Report on 'Functioning of Family Courts' has made a number of recommendations on amendments to the Family Courts Act. The Committee has, *inter alia*, recommended that the effectiveness of the Act should be assessed in the light of the shortcomings pointed out by the Committee. Such assessment should cover a review of the implementation of the Act, as also an evaluation of the substance of the Act and its limitations and the changes and modifications which are necessary to activate the Family Courts and to make their work fruitful and meaningful. The review of the Act should be carried out by the Department of Justice in consultation with the National Commission for Women expeditiously with a view to taking suitable corrective steps and by amending the Family Courts Act accordingly.

The Committee has further recommended that steps should be taken to set up Family Courts in every district of the country. The Committee has also recommended that while selecting persons for appointment as Judges of Family Courts, every endeavour should be

made to ensure that persons committed to the need to promote the welfare of children and qualified by reasons of their experience and expertise to promote the settlement of family disputes and having the necessary commitment are selected.

(c) The following States have established Family Courts: Andhra Pradesh; Assam; Bihar; Gujarat; Jammu & Kashmir; Jharkhand; Karnataka; Kerala; Maharashtra; Manipur; Orissa; Rajasthan; Sikkim; Tamil Nadu; Uttar Pradesh; Uttaranchal and West Bengal.

(d) The following States have not constituted Family Courts so far;

Arunachal Pradesh; Chhattisgarh; Goa; Haryana; Himachal Pradesh; Madhya Pradesh; Meghalaya; Mizoram; Punjab; Nagaland and Tripura.

(e) States like Arunachal Pradesh, Nagaland, Meghalaya, Mizoram, and Goa have expressed their inability to establish Family Courts due to various reasons like the existence of their customary courts for dealing with such cases. They have also said that they do not have much litigation regarding family matters. The State of Himachal Pradesh has no city or town exceeding the population of one million where it is mandatory to establish a Family Court.

Other States are now considering to set up family courts in their jurisdiction. The Government of Chhattisgarh had given assurance to the Parliamentary Committee on Empowerment to establish two family courts. The State of Madhya Pradesh has also assured the Parliamentary Committee that the State will set up seven Family Courts—one in each revenue divisional headquarters. The Government of Punjab has decided to establish family courts at Amritsar and Ludhiana. The Government of Tripura has recently agreed to set up one family court provided Central assistance is available tc them. The matter has been taken up with the Government of Haryana to set up Family Court at Faridabad which has just exceeded one million population as per 2001 census.